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ABSTRACT

The laws and regulations of the State of South Carolina governing the licensing of private postsecondary institutions to confer degrees are presented. The institutions covered by these laws and regulations include specialized trade schools, vocational and technical institutions, junior and community colleges, senior colleges, universities, graduate and professional schools, and advanced institutes of various sorts. The text of the authorization governing the licensing of these institutions is presented, followed by the applicable regulations, covering: definitions, accreditation or approval for teacher certification, licenses, effect of licensure on state desegregation plan, minimum standards for licensure, purpose, organization and administration, educational program, financial resources, faculty, library, student services, facilities, special activities, graduate program, procedure for implementation, revocation of licensure, procedures for handling consumer complaints, and enforcement. Three appendices provide sample statements for institutions operating under a temporary license, a provisional license, and a regular license. (KM)

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LAWS AND REGULATIONS FOR LICENSING NON-PUBLIC EDUCATIONAL INSTITUTIONS TO CONFER DEGREES

South Carolina
Commission on Higher Education

Columbia, South Carolina

Revised
June 1988

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Foreword

The Commission on Higher Education is the coordinating agency for postsecondary education in South Carolina. It recognizes and endorses the need for diverse institutions with a variety of purposes: specialized trade schools, vocational and technical institutions, junior and community colleges, senior colleges, universities, graduate and professional schools, and advanced institutes of various sorts, under both private and public auspices. This full range of institutions is designed to meet the differing needs and wants of individuals and of society as reflected in the marketplace and to improve the quality of life.

Sections 59-46-10 through 59-46-90 of the Code of Laws of South Carolina, as amended and these Regulations of the Commission on Higher Education are designed to assure prospective students that all non-public degree-granting institutions in the State are legitimate educational enterprises, and that they are fulfilling their stated purposes by meeting minimum standards of quality in their operation. The Regulations also provide the reputable educational institutions operating in the State with protection against the possible damaging effects of questionable educational enterprises.

The law and the Regulations for Licensing Non-Public Educational Institutions to Confer Degrees are to a significant extent based on "Model State Legislation" proposed by the Education Commission of the States in June, 1973. In preparing and amending these Regulations, related materials from a number of other states were also examined; the documents published by the University of North Carolina System, the Tennessee Higher Education Commission, and the Virginia Council of Higher Education were most helpful.

I. Authorization

Sections 59-46-10 through 59-46-90 of the Code of Laws of South Carolina, as amended designate the South Carolina Commission on Higher Education as the sole authority in this State with the power and duty of licensing non-public educational institutions to confer degrees. Under the law the Commission is authorized to establish and prescribe rules and regulations for licensing, and to specify the minimum standards required for licensure. The law in its entirety is reproduced below:

CHAPTER 46 [New]

Degree-Granting Nonpublic Educational Institutions

ARTICLE 1. General Regulatory Matters.
ARTICLE 3. Preservation of Student and Institutional Records.

ARTICLE 1

GENERAL REGULATORY MATTERS

SEC.
59-46-10. Definitions.
59-46-20. Commission shall be licensing authority.
59-46-30. Promulgation of rules and regulations by commission; minimum standards.
59-46-40. License requirement; licensing standards; regulations relative to licensing standrds and amendment of licenses.
59-46-50. Administrative procedures to deny, revoke or suspend license.
59-46-60. Judicial review of license denial, revocation or suspension.
59-46-70. Restraining violations of chapter or rules and regulations; civil penalties.
59-46-80. Exemption of primary, middle and high schools.
59-46-90. Exemption of Bible institutions and theological schools.

§ 59-46-10. Definitions.

As used in this article:

(1) "Commission" means the State Commission on Higher Education.

(2) "Agency" means the State Commission on Higher Education.

(3) "Nonpublic educational institution" includes, but is not limited to, any educational entity that is wholly or partly located in or operating in this state and is not owned or operated in whole or in part by the State, that is maintained and operated as a school, institute, college, junior college, university or entity of whatever kind which furnishes or offers to furnish a degree as defined herein or which furnishes or offers to furnish instructions leading toward or prerequisite to a degree beyond the secondary level and which requires that in order to obtain a degree the recipient partially or satisfactorily completes appropriate courses or classes or laboratories or research studies in person or by correspondence. "Nonpublic educational institution" shall not

include any degree granting school, institute, college, junior college, university or entity which was chartered by the Secretary of State before 1953.

(4) "Degree" includes, but is not limited to, any academic credential or designation such as associate, bachelor, master, doctor or fellow, whether earned or honorary, which signifies, purports or is generally taken to signify partial or satisfactory completion of the requirements of an academic, occupational, business or other program of study beyond the secondary school level. "Degree" shall not include a certificate or diploma without any academic designation which may be used to signify partial or satisfactory completion of educational training oriented toward a specific occupation or skill taught in a program of study beyond the secondary school level.

(5) "Degree granting institution" includes, but is not limited to, any nonpublic educational institution awarding, selling, conferring, bestowing or giving or purporting to award, sell, confer, bestow or give a degree as defined in this chapter.

(6) "License" means an agency permit, approval or some similar form of written permission.

(7) "Person" means any individual, firm, partnership, association, organization, corporation, trust or other legal entity or combination thereof.

(8) "Entity" includes, but is not limited to, any person or group of persons.

HISTORY: 1977 Act No. 201 § 1; 1980 Act No. 307, § 14, eff Jan. 22, 1980.

Effect of Amendments—

The **1980** amendment eliminated colleges of chiropractic from the list of institutions which do not constitute "nonpublic educational institutions," within the meaning of item (3).

Research and Practice References—

15A Am Jur 2d, Colleges and Universities §§ 1, 2.
14 CJS, Colleges and Universities §§ 1, 2.

ATTORNEY GENERAL'S OPINIONS

The term, nonpublic educational institution, defined in Act No. 201 of 1977 includes institutions which furnish a degree or instruction leading to a degree by means of televised or correspondence instruction, whether or not established within this State. 1980 Op Att'y Gen, No 80-2, p 12.

Act No. 201, Joint Acts and Resolutions of South Carolina, 1977, codified as § 59-46-10, *et seq.*, which provides for the licensing and regulation of certain nonpublic educational institutions is unconstitutional only in its application to nonpublic educational institutions established outside of South Carolina, and operating within the state by means of televised or correspondence instruction. 1982 Op Atty Gen, No 82-20, p 24.

§ 59-46-20. Commission shall be licensing authority.

The commission shall be the sole authority for licensing nonpublic educational institutions established in this State and for those established elsewhere to operate in or confer degrees in this State.

HISTORY: 1977 Act No. 201 § 2.

Research and Practice References—

15A Am Jur 2d, Colleges and Universities § 6.
14 CJS, Colleges and Universities § 3.

§ 59-46-30. Promulgation of rules and regulations by commission; minimum standards.

The commission shall prescribe rules and regulations for licensing nonpublic educational institutions which shall, among other things, specify the minimum standards required for a license to confer degrees. The standards shall include, but are not limited to, course offerings, adequate faculty, maintenance of records, adequate personnel and facilities and financial stability.

Any institution established in this State which is accredited by any association or organization recognized by the Council on Postsecondary Accreditation for conducting institutional or specialized accreditation or which is approved for teacher certification by the State Board of Education shall be considered to have given satisfactory evidence that the standards have been met. The rules and regulations shall provide for provisional licensing for one or more periods not to exceed two years each and for renewal of regular licenses at intervals not to exceed five years. The commission shall enforce all rules and regulations for licensing nonpublic educational institutions and shall revoke or suspend the license of any institution failing to comply with the minimum requirements for licensure.

HISTORY: 1977 Act No. 201 § 3.

Research and Practice References—

15A Am Jur 2d, Colleges and Universities § 6.
14 CJS, Colleges and Universities § 3.

§ 59-46-40. License requirement; licensing standards; regulations relative to licensing standrds and amendment of licenses.

No nonpublic educational institution established in this State has the authority to confer degrees upon any person in this State or elsewhere unless a license is first secured from the commission, and no nonpublic educational institution established elsewhere has the authority to operate in or confer degrees in this State unless a license is first secured from the commission. The commission shall approve through licensure the location of and programs offered by the institution. The commission shall prescribe regulations to amend a license if an institution desires to operate at a location or offer programs other than the location or programs approved by the commission. The commission may not license any institution to offer a program if the commission determines that the program adversely affects the goals of the commission's plan to eliminate segregation in public institutions of higher education. The commission shall prescribe regulations to make the determination.

HISTORY: 1977 Act No. 201 § 4; 1986 Act No. 481, eff June 10, 1986.

Effect of Amendment—

The 1986 amendment made grammatical changes and added the provisions relative to approval of programs through licensure, prescription of regulations as to amendment of licenses, and denial of licenses with respect to programs which adversely affect the goal of elimination of segregation in public institutions of higher education.

§ 59-46-50. Administrative procedures to deny, revoke or suspend license.

If the law requires the legal rights, duties or privileges of a person to be determined by an agency only after notice and an opportunity for an administrative hearing, the denial, revocation or suspension of a license to confer degrees shall be preceded by the following administrative procedure.

(1) Prior to a final agency proceeding to deny, revoke or suspend a license to confer degrees, the commission shall give to the person to be affected by its decision, notice by mail of facts and conduct which warrant its intended action and an opportunity to show compliance with the minimum requirements for licensure.

(2) In any final agency proceeding to deny a license to any person properly applying therefor, or to revoke or suspend the license of any licensee, the commission shall give the person to be affected by its intended action notice and an opportunity for a hearing as provided in Sections 17 through 21 of Act 671 of 1976 concerning contested cases.

Unless the commission complies with the procedure specified in this section, except as provided and applicable in Sections 23(b) and 23(c) of Act 671 of 1976, no denial, revocation or suspension of a license to confer degrees shall be valid.

HISTORY: 1977 Act No. 201 § 5.

Editor's Note—

"Sections 17 through 21 of Act 671 of 1976" and "Sections 23(b) and 23(c) of Act 671 of 1976", referred to in this Code section, were repealed by 1977 Act No. 176 Article III § 2. For provisions identical to those of former Section 17, see now § 1-23-200; for provisions somewhat similar to those of former Section 18, see now § 1-23-320; for provisions substantially similar to those of former Section 19, see now § 1-23-330; for provisions identical to those of former Section 20, see now § 1-23-340; for provisions identical to those of former Section 21, see now § 1-23-350; for provisions identical to those of former Section 23, see now § 1-23-370.

§ 59-46-60. Judicial review of license denial, revocation or suspension.

Any person aggrieved by the final decision of the commission in refusing to issue a license or revoking or suspending a license previously granted, is entitled to the same judicial review under this article, as provided in Sections 23 through 24 of Act 671 of 1976 concerning contested cases.

HISTORY: 1977 Act No. 201 § 6.

Editor's Note—

"Sections 23 through 24 of Act 671 of 1976," referred to in this Code section, were repealed by 1977 Act No. 176 Article III § 2. For provisions identical to those of former Section 23, see now § 1-23-370; for provisions identical to those of former Section 24, see now § 1-23-380.

§ 59–46–70. Restraining violations of chapter or rules and regulations; civil penalties.

(1) Whenever it shall appear to the commission that any person is or has been violating any provisions of this article or any lawful rules or regulations promulgated hereunder, the commission shall request the Attorney General, the solicitor or any appropriate official officer having jurisdiction in the circuit or county in which the nonpublic educational institution or its agent is found, to bring a civil action to restrain such person from violating this article or any lawful rules or regulations promulgated hereunder, and for other appropriate relief. The action may be brought in the court of common pleas in the county in which the person resides, has his principal place of business, or conducts or transacts business. The courts may issue orders and injunctions to restrain and prevent violations of this article, and such orders and injunctions shall be issued without bond.

(2) If a court finds that any person is willfully violating or has willfully violated this article the commission, upon petition to the court, may recover a civil penalty of not exceeding five thousand dollars for each violation. Each degree granted by an institution without the required license is a separate violation for purposes of this section.

(3) The commission may bring a civil action against a person who violates the terms of an injunction issued under this section for a civil penalty of not more than fifteen thousand dollars. For purposes of this section, the court of common pleas issuing an injunction shall retain jurisdiction, and the cause shall be continued and in such cases the commission may petition for recovery of civil penalties.

(4) For purposes of this section, a willful violation occurs when the person committing the violation knew or should have known that his conduct was a violation of § 59–46–40.

HISTORY: 1977 Act No. 201 § 7.

§ 59–46–80. Exemption of primary, middle and high schools.

The provisions of this article shall not apply to primary schools, middle schools or high schools.

HISTORY: 1977 Act No. 201 § 7A.

§ 59–46–90. Exemption of Bible institutions and theological schools.

Provisions of this article shall not apply to Bible institutions or theological schools.

HISTORY: 1977 Act No. 201 § 8.

II. Regulations

62-1 Definitions

As used in these regulations and standards, terms such as "Commission," "Agency," "Non-public educational institution," "Degree," "Degree-granting institution," "License," "Person," and "Entity" shall be defined in accordance with Section 59-46-10 of the Code of Laws of South Carolina, as amended.

62-2 Accreditation or Approval for Teacher Certification as Evidence of Compliance with Minimum Standards

Any institution established in South Carolina which is accredited by any association or organization recognized by the Council on Postsecondary Accreditation for conducting institutional or specialized accreditation or which is approved for teacher certification by the State Board of Education shall be considered to have given satisfactory evidence that the minimum standards for licensure have been met. Such recognition or approval shall not be considered as evidence of compliance with minimum standards by any institution established outside of the State of South Carolina which has branch campuses, extension centers, programs, or courses within the State.

62-3 Licenses

All licenses shall specify the courses or programs that the institution is authorized to offer, the sites at which these courses or programs may be offered, and the degrees that the institution is authorized to award. An institution that seeks to offer unauthorized

courses, begin a new program, add a new site, or award a degree for which a license has not been issued must file for amendment to its license.

1. Regular License

To be issued a regular license, an institution must meet the minimum standards as required by the Commission on Higher Education. A regular license shall be issued for five years.

2. Provisional License

A provisional license may be granted if an institution has substantially fulfilled the licensure standards and can demonstrate satisfactorily that it can fully meet the remaining minimum requirements for regular licensure within the period of the provisional license. A provisional license shall be issued for two years or less and may, in unusual circumstances, be renewed for an additional period of two years or less.

3. Temporary License

A temporary license may be granted pending completion of the examination visit and appropriate Commission action based on the examiners' report and recommendations. A temporary license indicates that an institution appears to meet the licensure standards based upon a staff examination of the written documentation submitted with its letter of application; it allows the institution to operate while the full licensure review is being completed. A temporary license shall be issued for one year or until a provisional or regular license is issued, whichever is less.

62-4 Effect of Licensure on State Plan to Eliminate Vestiges of Segregation

The Commission may not license any institution to offer a program if the Commission determines that the program adversely affects the goals of its plan to eliminate vestiges of segregation in public institutions of higher education. In order to assist the Commission in making this determination, an institution seeking a license or seeking to amend a license to offer a new program or to offer a program at a new location shall provide the following information:

1. Anticipated student enrollment for three years by race
2. Proposed faculty for three years by race
3. An explanation of how the proposed program will affect efforts to afford equity and equal opportunity to postsecondary students in South Carolina.
4. A description of the anticipated effect of the offering on the racial composition of any similar program or programs offered by public colleges or universities in South Carolina.

The chief executive officer of the Commission will evaluate the information provided by the proposing institution and will notify the Executive Committee concerning his findings and recommendation.

62-5 Minimum Standards for Licensure

The Commission on Higher Education requires that a non-public degree-granting educational institution operating in or conferring degrees in South Carolina must be maintained and operated, or, in the case of a new institution, must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

62-6 Purpose

The institution must submit a clear and specific statement of purpose. All activities conducted by the institution should be in harmony with the stated purpose as a postsecondary educational unit. The statement of purpose shall be published in the catalog of the institution.

62-7 Organization and Administration

The institution shall operate under a governing structure which clearly delineates responsibility for all legal aspects of operations, the formulation of policy, and the selection of the chief executive officer. When the institution is governed by a board or group of officers, the membership, manner of appointment, terms of office, and all matters related to the duties, responsibilities, and procedures of that body shall be clearly defined.

Administrative responsibilities and concomitant authority shall be clearly specified. The qualifications of administrative personnel shall be such as may reasonably ensure that the purpose and policies of the institution are effectively maintained.

62-8 Educational Program

The educational program and the purpose of the institution must be related as demonstrated by the admissions policies, content of curricula, requirements for receipt of credentials, instructional methods and procedures, and quality of work required of the students.

The institution shall provide prospective students and other interested persons with a catalog or brochure containing information describing the admissions policies, programs offered, program

objectives, length of programs, schedule of tuition, fees and all other charges, cancellation and refund policies, and such other material facts concerning the institution and the program of instruction as are reasonably likely to affect the decision of the student to enroll therein. Neither the institution nor its agents shall engage in advertising, sales, collection, credit, or other practices of any type which are false, deceptive, misleading, or unfair.

The quality and content of each program shall be such as may reasonably and adequately achieve the stated objectives. Procedures for program evaluation shall be clearly stated and available in writing, and there shall be evidence of regular and extensive review of programs. Each program of instruction should include course work and other educational activities extending over a sufficient period of time and in sufficient intensity to fulfill the purpose of that program.

Each educational program leading to an associate degree normally consists of courses totaling a minimum of 60 semester credit hours or 90 quarter credit hours or the equivalent in courses or other measurement used by the institution. Each educational program leading to a baccalaureate degree normally consists of courses totaling a minimum of 120 semester credit hours or 180 quarter credit hours or the equivalent in courses or other measurement used by the institution.

Adequate records shall be maintained by the institution to show student attendance, progress, or grades, and to provide evidence that satisfactory standards are enforced relating to performance.

Upon satisfactory completion of training, the student shall be given appropriate educational credentials by said institution, indicating that the program of instruction or study has been satisfactorily completed by the student.

62-9 Financial Resources

The adequacy of the financial resources of an institution shall be judged in relation to the basic purpose of the institution, the scope of its program, and the number of students. These resources shall be characterized by a stability indicating that the institution is capable of maintaining continuity for an extended period of time.

The financial management practices of the institution shall conform to the following standards:

1. A sound plan for long range financial development shall be maintained on a continuing basis.
2. The institution shall maintain adequate financial records audited annually by an independent certified public accountant knowledgeable in college accounting practices. Procedures appropriate to college accounting such as those recommended by the National Association of College and University Business Officers should be employed.
3. The business and financial management shall be centralized under a qualified and bonded business officer responsible to the chief executive officer and charged with the supervision of the budget.
4. Adequate insurance shall be carried to protect the institution's financial interests. The amount of insurance shall be sufficient to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal and public liability, and to assure continuity of the operation of the institution.

5. To ensure that an institution is financially sound and capable of refunding to students advance payments for tuition and other charges in the event the institution is unable to fulfill its commitments to students, the institution shall be bonded in a penal sum equal to the amount of prepaid tuition held by the institution at any given time of the year, but in no instance shall the penal sum of the bond be less than $10,000. The institution should provide a statement by an independent certified public accountant confirming that the amount of the bond equals a penal sum equal to or in excess of the largest amount of prepaid tuition held by the institution at any time.

62-10 Faculty

The institution must have an adequate number of faculty members, whose educational and/or professional qualifications are appropriate for the subject matter and the degree level of the program(s) in which they teach. The proportion of full-time instructional staff and the student-teacher ratio shall be such as to assure the effectiveness of the educational program, including advising of students. Faculty responsibility and assignments shall be clearly specified in writing. The institution is encouraged to maintain an appropriate degree of stability with regard to personnel.

62-11 Library

The institution shall maintain or ensure that students have direct access to a library with a collection, staff, services, equipment, and facilities which are adequate and appropriate for the purpose and

enrollment of the institution. Copies of objectives, policies, and contractual agreements with other libraries shall be available in writing.

62-12 Student Services

Student services shall be clearly delineated and shall demonstrate concern for programs of orientation and for counselling throughout enrollment. Special student services, such as financial aid programs and employment placement programs, shall be evaluated periodically to determine overall effectiveness both in meeting the needs of students and in contributing to the educational purposes of the institution. Student housing owned, maintained, or approved by the institution shall be appropriate, safe, and adequate.

62-13 Facilities

The institution shall have adequate space, equipment, and instructional materials to support education of good quality. The facilities shall comply with all pertinent ordinances and laws relative to the safety and health of persons on campus. If the physical facilities are not owned by the institution, evidence through a lease or other means shall be presented that facilities are available for a sufficient duration to demonstrate the stability of the institution.

62-14 Special Activities

Special activities (such as: operationally separate units, external or special degree programs, off-campus classes and units, independent study programs including correspondence and home study, conferences and institutes including short courses and workshops,

foreign travel and study, media instruction including radio and television, and on-campus programs including special summer sessions and special evening classes) shall be organized in a way to ensure equal and consistent quality throughout the institution.

62-15 Graduate Program

Any institution awarding or proposing to award degrees or study beyond the baccalaureate level shall have appropriate curricula, faculty, and resources available for instruction at the graduate level.

A master's degree program normally requires satisfactory completion of full-time study for one or more academic years beyond the baccalaureate degree, or its equivalent. A doctor's degree program normally requires satisfactory completion of three or more academic years of full-time study beyond the baccalaureate degree, or its equivalent as well as evidence, usually in the form of a doctoral dissertation, of competence in independent research.

Graduate curricula and requirements leading to graduate credits, certification, and degrees shall be formulated and evaluated by qualified graduate faculty who are acquainted with acceptable graduate work elsewhere in the nation.

With rare exception each graduate faculty member shall hold the highest earned degree in his discipline. An adequate number of qualified faculty members shall be provided in the subject field and related disciplines for any graduate degree; students shall have sufficient access to these faculty members to provide meaningful interaction.

Institutions offering graduate work shall provide library resources which include basic reference and bibliographic works in each

field where work is offered as well as the major journal and serial sets for maintaining currency in each discipline.

Non-traditional external or off-campus programs shall meet all applicable minimum requirements for campus based graduate programs, including comparability and quality of curricular content, faculty qualifications, and accessibility to appropriate library resources. In addition, guidelines concerning transfer of credit, credit by examination, and residency requirements such as periodic seminars and special sessions, if any, shall be established; and methods of evaluating a student's progress, including advising and counseling shall be explicit.

62-16 Procedure for Implementation

A. Institutions Seeking an Initial License

1. Preliminary Conference. The president of the institution should contact the office of the chief executive officer of the Commission on Higher Education and arrange for a preliminary conference to discuss the standards required of the institution and the procedures for implementing licensure.
2. Letter of Application. If, following the preliminary conference, the institution believes that it can meet the required standards and desires to apply for licensure, the president shall write a letter of formal application for licensure to the chief executive officer of the Commission on Higher Education officially requesting the Commission on Higher Education's consideration of the institution's application.

3. Submission of Documentation. The institution's letter of formal application for licensure must be accompanied by appropriate documentation that the institution has achieved and will maintain the minimum standards.

If the institution intends to rely upon accreditation or approval for teacher certification as evidence of compliance with the minimum standards, the letter must include the name of the accrediting or approving body and the date of the most recent accreditation or approval for teacher certification. Assuming that these materials are in proper order, and that the institution was established in South Carolina, a license will be issued.

If the institution is located outside the State of South Carolina and operates a branch campus, extension center, program or course within the State; or if the institution does not use accreditation or approval for teacher certification as evidence that the minimum standards have been met, the documentation should include information on the following:

a. Purpose

b. Organization and Administration

c. Educational Program

d. Financial Resources

e. Faculty

f. Library

g. Student Services

h. Facilities

i. Special Activities

j. Graduate Program

This information will be reviewed by the chief executive officer of the Commission on Higher Education to determine if the institution should be recommended for temporary licensure and is ready for an examination visit.

4. Temporary License

If the chief executive officer of the Commission on Higher Education believes that the institution has provided documentation that satisfactorily supports its application for a license, he shall recommend that the Commission on Higher Education issue a temporary license and arrange for a visit by an examining committee. If the chief executive officer of the Commission finds that the institution has not provided sufficient documentation to support its application for a license, he shall recommend that a temporary license not be issued and shall notify both the institution and the Commission of those areas in which the supporting documentation is insufficient or inadequate.

When an institution is issued a temporary license, the Commission will provide a statement which the institution must distribute to all students who register for its courses or programs in South Carolina. Any published materials that refer to licensure by the South Carolina Commission on Higher Education shall use this statement. A sample of such a statement is found in Appendix A.

5. Examination Visit. If it is determined that the institution is ready for an examination visit, the chief executive officer of the Commission on Higher Education will arrange with the president of the institution for a visit to the

campus or the locations where programs or courses are offered in South Carolina, as appropriate.

The purpose of the visit is to confirm the documentation furnished by the institution and to ascertain whether or not the institution meets the standards specified by the Commission on Higher Education.

The examination will be accomplished by a committee of examiners appointed by the chief executive officer of the Commission on Higher Education. It shall include at least one member of the staff of the Commission on Higher Education; administrators and/or faculty members representative of the public or private sectors or both, with experience at appropriate levels in fields of education; and may include other qualified, appropriate persons. One member of the examining committee will be designated as chairman and will assume responsibility for leadership in conducting the examination and in preparing the examiners' report.

6. Examiners' Report and Recommendations. Following the examination visit, the examining committee will prepare a report of its visit to the institution and a recommendation regarding the institution's application for licensure. The Committee will prepare and submit the report and recommendation to the chief executive director of the Commission on Higher Education within thirty days after completion of the examination. All recommendations will be advisory to the Commission on Higher Education. The chief executive officer of the Commission will transmit a copy of the report and recommendation to the chief executive officer of the institution.

The recommendation accompanying the examiners' report should be one of the following: (1) that the institution be issued a regular license, subject to renewal every five years and annual reporting of information as requested by the Commission on Higher Education, (2) that the institution be licensed provisionally for a period of two-years or less, subject to the submission of six-month progress reports and a staff visit and evaluation within each year of the provisional period, (3) that the institution not be licensed but pursue its program of improvement and reapply later, or (4) that the institution not be licensed and be advised either to disband or appropriately modify its published claims.

7. Institutional Conference. After the examiners' report and recommendation with regard to disposition of the application have been received by the institution, the institution's chief executive officer will be invited to discuss the report and recommendations and present any further information pertinent to the application. If the institution's chief executive officer desires such a meeting, the chairman of the examining committee and members of the staff of the Commission on Higher Education will normally attend the conference to present the committee's report and to respond to any questions concerning the examination visit.

8. Institution's Withdrawal of Request. If the recommendation of the examining committee and the staff of the Commission on Higher Education is that the institution not be licensed, the institution may choose to withdraw its formal request for licensing to the Commission on Higher Education.

9. Commission on Higher Education's Action. The chief executive officer of the Commission on Higher Education will submit his recommendation for action to the Commission on Higher Education at a regular meeting. The chief executive officer of the institution requesting a license shall be invited to attend. After full consideration of the matter, the Commission will make a decision on the institution's request for licensing. In any final agency proceeding to deny a license to any person properly applying therefore, or to revoke or suspend the license of any licensee, the Commission shall give the person to be affected by its intended action notice and an opportunity for a hearing as provided in applicable State law concerning contested cases.

10. Right to Judicial Review. Any person aggrieved by the final decision of the Commission in refusing to issue a license or revoking or suspending a license previously granted is entitled to judicial review as provided in applicable State law concerning contested cases.

11. Certificate of Licensure. If the Commission on Higher Education makes the decision to license an institution, the section in the minutes of the meeting of the Commission reporting this action will be extracted, signed by the Chairman of the Commission, and forwarded to the president of the institution. This extract will serve as the official certification of licensure authorizing the institution to grant degrees as specified.

12. Restriction. The license issued will specify the courses or programs the institution is authorized to offer, the sites at which these courses or programs may be offered, and the degrees

that the institution is authorized to award.

13. Duration. Each regular license issued shall be effective for a maximum period of five years from the date of issuance and subject to renewal each five years thereafter. Each provisional license shall be effective for a period up to a maximum of two years from the date of issuance. A provisional license may, in unusual circumstances, be renewed for an additional period of two years or less. A temporary license shall be effective for one year or until a provisional or regular license is issued, whichever is less.

14. Published Statements. Institutions operating in South Carolina under provisional or regular licenses should provide students in South Carolina with statements such as those found in Appendix B or C.

15. Annual Reporting. The Commission on Higher Education may require from any licensed institution regular annual reporting of statistical data and other information pertaining to appropriate matters.

B. Institutions Seeking a Renewal of License

A least 120 days prior to the expiration of its license, each institution shall submit a formal application for renewal to the chief executive officer of the Commission on Higher Education. In the event that the institution intends to rely upon accreditation or approval for teacher certification as evidence of compliance with the minimum standards, the letter must include the name of the accrediting or approving body and the date of the most recent accreditation or approval for teacher certification. Out-of-state and/or unaccredited or unapproved institutions must submit information similar to that required for original licensure. The chief

executive officer of the Commission on Higher Education shall review the application for renewal and accompanying documents and recommend that:

(i) the institution's license to confer degrees be renewed without further examination, or

(ii) the institution provide additional information before consideration is given for renewal of licensure, or

(iii) the institution be reexamined and the same procedure be carried out as are required for initial licensing.

The Commission on Higher Education shall act upon the chief executive officer's recommendation.

C. Institutions Seeking to Amend Their License

An institution which seeks to offer a course, program, or degree for which it is not currently licensed or which seeks to offer a course or program at a new location must file for amendment to its license. An institution which is considered to have met minimum standards for licensure as provided in section 62-2 of these regulations, and which can maintain accreditation or approval for teacher certification as required by that section, need only demonstrate that the accreditation or approval will be maintained for the new level course, program, degree or site. Other institutions must provide documentation which should include an outline of the curriculum to be offered, the qualifications of the faculty to be involved in the program of study, the anticipated enrollment, the library resources, the financial support for the course or program, and the relation of this proposed course or program to the purpose of the institution. They must also respond to the requirements set down in section 62-4 of these regulations. The chief executive officer of the Commission on Higher Education may recommend that the license be amended without

further review or may call for an interim examination visit before making a recommendation concerning the requested amendment.

62-17 Revocation of Licensure

If any non-public educational institution licensed under the provisions of Sections 59-46-10 through 59-46-90 of the Code of Laws of South Carolina, as amended, fails to maintain the required standards, the Commission on Higher Education shall revoke its license to confer degrees, subject to a right of review of this decision in the manner as specified in these regulations and the law.

62-18 Procedures for Handling Consumer Complaints

Any person who may have a complaint or grievance involving misrepresentation against an institution that is licensed by the Commission on Higher Education should make a reasonable effort to obtain satisfaction from the institution directly. In the event that a mutually satisfactory solution cannot be reached, the person may file a written complaint with the Commission. The complaint should include any evidence bearing on the complaint as well as documentation that a reasonable effort was made to resolve the complaint directly with the institution.

The chief executive officer of the Commission on Higher Education will review the facts as set forth in the complaint and may intervene, as appropriate, to bring the matter to a satisfactory conclusion. Such intervention shall be limited to facilitating settlement through negotiation, and shall not include legal action on behalf of any party. If, in the opinion of the chief executive officer of the Commission on Higher Education, there is evidence that the institution may no longer be

maintaining minimum standards, he may call for an interim investigation, including an examination visit, to determine whether the institution's license should be revoked.

62-19 Enforcement

Enforcement of these regulations will be in accordance with Section 59-46-70 of the Code of Laws of South Carolina, as amended.

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Appendix A

SAMPLE STATEMENT FOR AN INSTITUTION
OPERATING UNDER A TEMPORARY LICENSE

_____ was chartered by the State of _____
Name of Institution Name of

_____ to operate as a nonprofit (or proprietary) educational
State

institution. On _____, it was issued a temporary license
Date

by the South Carolina Commission on Higher Education to offer _____
Name

_____ at _____ for one year.
of Program or Programs Location

Prior to expiration of the temporary license, _____
Name of Institution

will be fully evaluated to confirm that it has met the minimum standards for licensure. The Commission on Higher Education will then determine whether to issue a regular license, issue a provisional license, or deny licensure. Licensure, which is designed by the State to provide consumer protection, should not be confused with accreditation.

(The institution may then make a statement about its accreditation if it so desires.)

Appendix B

SAMPLE STATEMENT FOR AN INSTITUTION OPERATING UNDER A PROVISIONAL LICENSE

_____ was chartered by the State of _____
Name of Institution — Name of State

to operate as nonprofit (or proprietary) educational institution. On _____, it was issued a provisional license by the South Carolina Commission on Higher Education to offer _____
Name of Program or

_____ at _____. Prior to expiration
Programs — Location

of the provisional license, on _____, the Commission will
Date

review the program to assure that _____ has fully
Name of Institution

met all standards and will determine whether a regular (five year) license can be issued. Licensure, which is designed by the State to provide consumer protection, should not be confused with accreditation.

(The institution may then make a statement about its accreditation if so desires.)

Appendix C

SAMPLE STATEMENT FOR AN INSTITUTION
OPERATING UNDER A REGULAR LICENSE

_____ was chartered by the State of _____
Name of Institution — Name of State

to operate as nonprofit (or proprietary) educational institution. On _____, it was issued a regular license by the South Carolina Commission on Higher Education to offer _____
Name of Program or

_____ at _____. Licensure, which is
Programs — Location

is designed by the State to provide consumer protection, should not be confused with accreditation.

(The institution may then make a statement about its accreditation if so desires.)